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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,085	01/31/2002	Gunther Silberbauer	GR-48	2432

7590 06/30/2003

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EXAMINER

DEUBLE, MARK A

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,085

Applicant(s)

SILBERBAUER, GUNTHER

Examiner

Mark A. Deuble

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

~~A person shall be entitled to a patent unless —~~

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Muller et al. (U.S. Patent No. 6,315,107).

Muller shows a device which can be used for collecting printed sheets in a certain sequence astride and atop one another to form a printed product that includes a saddle-shaped support formed by a first conveyor 2 that is configured to be supplied by a sheet feeder with printed sheets and a conveying device 3 arranged below the saddle-shaped support for transporting the products to a further processing step. The saddle-shaped support has a circulating traction mechanism formed by members 11, 19, 2a and 20 (see Fig. 7) and driving members 5 connected to the circulating traction mechanism so that the driving members act on the printed products to convey the printed products in a direction parallel to a conveying direction of the conveying device. Because the saddle-shaped support is arranged to be just slightly above the conveying device 3 at the transfer point, the freely suspended lateral parts of

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the printed products partially overlap the conveying device. Thus Muller et al. shows all the structure required by claims 1 and 4.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Osako et al. (U.S. Patent No. 5,678,813).

Osako shows a device which can be used for collecting printed sheets in a certain sequence astride and atop one another to form a printed product that includes a saddle-shaped support formed by a first conveyor 111 that is configured to be supplied by a sheet feeder with printed sheets and a conveying device 117 arranged below the saddle-shaped support for transporting the products to a further processing step (See Fig. 8). The saddle-shaped support has a circulating traction mechanism 111 and driving members 112 connected to the circulating traction mechanism so that the driving members act on the printed products to convey the printed products in a direction parallel to a conveying direction of the conveying device. Thus Osako et al. shows all the structure required by claims 1 and 4.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al.

Muller et al. shows generally all that is required by the claims except for the rearward end of the saddle-shaped support connected fixedly to a device frame. While, no device frame is

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disclosed it is clear that both the forward and rear ends of the saddle-shaped support must be fixedly supported by some structure. It would have been obvious to one of ordinary skill in the art at the time of the invention to fixedly attaché the rear end of the saddle-shaped support to a device frame. When this is done, Muller et al. would show all the structure required by claims 1 and 3-4.

7. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osako et al.

Osako et al. shows generally all that is required by the claims except for the rearward end of the saddle-shaped support connected fixedly to a device frame. While, no device frame is disclosed it is clear that both the forward and rear ends of the saddle-shaped support must be fixedly supported by some structure. It would have been obvious to one of ordinary skill in the art at the time of the invention to fixedly attaché the rear end of the saddle-shaped support to a device frame. When this is done, Osako et al. would show all the structure required by claims 1 and 3-4.

8. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryson et al. (U.S. Patent No. 4,198,039).

Bryson et al. shows a device which can be used for collecting printed sheets in a certain sequence astride and atop one another to form a printed product that includes a saddle-shaped support formed by a first conveyor 130 that is configured to be supplied by a sheet feeder with printed sheets and a conveying device 16 arranged below the saddle-shaped support for transporting the products to a further processing step. The saddle-shaped support has a circulating traction mechanism 134 that acts on the printed products to convey the printed

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products in a direction parallel to a conveying direction of the conveying device. Because the saddle-shaped support is arranged to be just slightly above the conveying device 16 at the transfer point, the freely suspended lateral parts of the printed products partially overlap the conveying device. Thus Bryson et al. shows all the structure required by claims 1 and 4 except for the driving members connected to the circulating traction mechanism. It should be noted, however, that the advantageous use of driving members on a circulating traction mechanism is well known in the art as is evidenced by Muller et al., Osako et al., and by Bryson et al. itself.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the traction mechanism 134 with driving members. When this is done, Bryson et al. would show all the structure required by claims 1 and 4.

In regard to the limitation of claim 3, it is noted that while no device frame is disclosed it is clear that both the forward and rear ends of the saddle-shaped support must be fixedly supported by some structure. It would have been obvious to one of ordinary skill in the art at the time of the invention to fixedly attaché the rear end of the saddle-shaped support to a device frame. When this is done, Bryson et al. would show all the structure required by claims 1 and 3-4.

Allowable Subject Matter

9. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

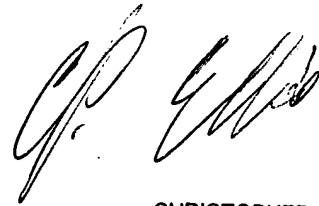
Merkli, Cracknell, and Hollenstein et al. all show saddle shaped supports for printed products that are similar to that of the present invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (703) 305-9734. The examiner can normally be reached on Monday through Friday except for alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P Ellis can be reached on (703) 308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-0552 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

md
June 20, 2003



CHRISTOPHER P. ELLIS
SUPERVISORY PAPER EXAMINER
TECHNOLOGY CENTER 300